

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**ZENAIDA JACKSON**

**Plaintiff,**

**v.**

**JOAN SERGI,**

**Defendant.**

08-CV-5490 (WJM)

**ORDER**

This matter having been raised by Plaintiff Zenaida Jackson seeking an application to proceed without the payment of fees under 28 U.S.C. § 1915; and the Court having *sua sponte* screened the Complaint in the above-captioned action pursuant to 28 U.S.C. § 1915(e)(2)(B) to determine if it fails to state a claim upon which relief may be granted; and it appearing that Plaintiff and Defendant Joan Sergi are residents of the State of New Jersey; and therefore, Plaintiff having failed to demonstrate subject matter jurisdiction for her state tort-related claims through diversity of citizenship pursuant to 28 U.S.C. § 1332; and it appearing that Defendant is a former employee of the Division of Youth and Family Services whose involvement in this case is limited to the preparation, initiation, and prosecution of Plaintiff in a dependency proceeding; and Defendant therefore being immune from suit, *see Miller v. City of Philadelphia*, 174 F.3d 368, 376 n. 6 (3d Cir. 1999) (case workers are immune from suit for their actions on “behalf of the state in preparing for, initiating, and prosecuting dependency hearings”); and Plaintiff having failed to expressly allege any violation of federal law in the Complaint or provide any other grounds for this Court’s subject matter jurisdiction; and for good cause shown;

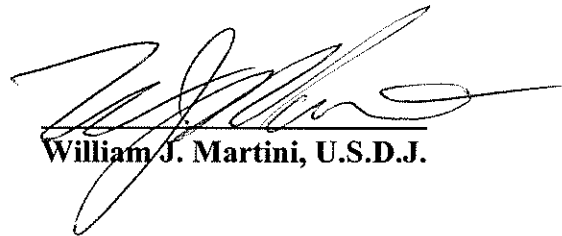
**IT IS** on this 19th day of December, 2008, hereby,

**ORDERED** that Plaintiff's application to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(a); and it is

**FURTHER ORDERED** that the Clerk of the Court shall file the Complaint without the prepayment of fees and security; and it is

**FURTHER ORDERED** that the Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted; and it is

**FURTHER ORDERED** that this case is **CLOSED**.



William J. Martini, U.S.D.J.